

Short- and long-term solutions to the delay problems must be addressed, but it is also important to remember that the traveling public will face the spring/summer of 2001 and 2002 before any real relief to capacity problems is felt. The Airlines must do their part in the short term to effectively implement the Customer Service Commitment provisions, especially those taking effect when there are delays, cancellations or diversions.

Summary of Results

This section provides a summary of our results regarding each Commitment provision, followed by our recommendations where we found a need for corrective action. We begin with a discussion on three provisions that trigger when there are delays and cancellations:

- Notifying customers of known delays, cancellations and diversions.
- Meeting customers' essential needs during long on-aircraft delays.
- On-time baggage delivery.

We will then highlight the remaining provisions:

- Offer the lowest fare available.
- Support an increase in the baggage liability limit.
- Allow reservations to be held or canceled.
- Provide prompt ticket refunds.
- Properly accommodate disabled and special needs passengers.
- Handle "bumped" passengers with fairness and consistency.
- Disclose travel itinerary, cancellation policies, frequent flyer rules, and aircraft configuration.
- Ensure good customer service from code-share partners.
- Be more responsive to customer complaints.

Finally we will discuss other areas that affect customer service, including contracts of carriage, Airline performance plans and quality assurance systems, and DOT's ability to oversee and enforce consumer protection issues.

Commitment Provisions That Trigger When Flights Are Delayed or Canceled

Three provisions kick-in when the system is under stress, which is usually occasioned by flight delays and cancellations. The three provisions are (1) notifying customers of known delays and cancellations; (2) meeting passengers' "essential" needs during long on-aircraft delays; and (3) delivering misrouted or delayed checked baggage to the passenger within 24 hours. The Airlines have made substantial efforts in these three areas, including investments in technology and staff training. Although progress has been made, the Airlines will need to redouble their efforts in these three areas.

Notifying Customers of Known Delays, Cancellations, and Diversions

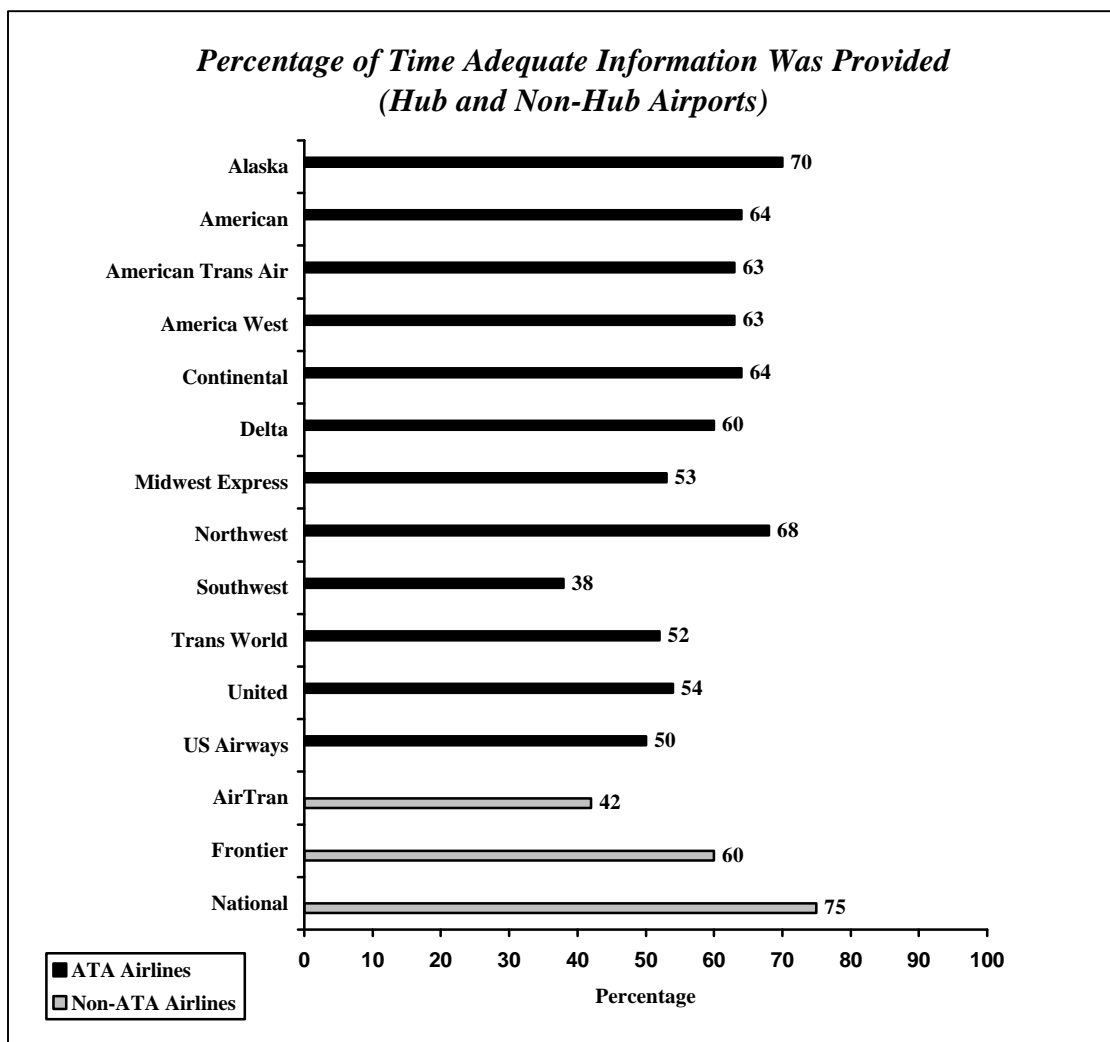
The Airlines committed to notify customers at the airport and on board an affected aircraft, in a timely manner, of the best available information regarding known delays, cancellations and diversions; and to establish, implement, and disclose policies for accommodating passengers delayed overnight. The Commitment does not extend to reducing the number of flights delayed or canceled.

Notifying Passengers of Delays. The Airlines and non-ATA airlines are clearly making an effort to provide passengers with the best available information about delays, cancellations and diversions; however, this continues to be an area for additional improvement. We found this to be especially true at an air carrier's non-Hub airports.

Over the course of 2000, DOT, FAA, air carriers and airport operators have been collaborating and coordinating their efforts to improve the information flow within the aviation community, and ultimately to the passengers, about known delays and cancellations. All the Airlines and non-ATA airlines provide a toll-free telephone number for checking on the status of flight departure and arrival information. Nine Airlines offer wireless flight status information via cell phones, pagers, and hand-held electronic devices. At some airports, older flight display monitors in the terminal and at the gates have been replaced with state-of-the-art flight display systems and monitors that provide a bevy of information about each flight. During many observations, we found information on flight delays was effectively communicated by the Airlines' and non-ATA airlines' employees. However, the Airlines and non-ATA airlines need to redouble their efforts in this area, as evidenced by the following.

- During our review, flight information displays at the airport accurately showed that, on average, a flight was delayed or canceled 79 percent of the time. In other words, 21 percent of the time the flight information display showed the flight as on time when, in fact, the flight had been delayed for more than 20 minutes.
- The level of performance for notifying passengers timely and adequately about known delays and cancellations was significantly higher at the Airlines' and non-ATA airlines' Hub airports than at non-Hub airports.
- The policies of seven Airlines, according to their Plans, required announcements about delays every 15 to 20 minutes. Using 30 minutes as our measurement, we found Airlines and non-ATA airlines made timely announcements, on average, 66 percent of the time in the boarding areas and at the gates.
- The Airlines and non-ATA airlines provided adequate information about a delay, including the cause, between 38 and 75 percent of the time, as shown in the following chart.

In testing this area, we gave the air carriers flexibility in determining what constituted adequate information, looking for as little information as “the flight will be delayed 30 minutes due to weather at the connecting airport.” We did not expect gate agents to provide a detailed or complex explanation on the reason for the delay. In a number of cases where we found the information was not adequate, it was because no information was provided at all (no announcements made). An example of **adequate** information being provided was during a 4 hour delay for a flight from Orlando to Newark. In this case, gate agents made announcements every 25 minutes, including the cause (severe thunderstorms in Orlando suspending inbound/outbound service at the airport).



The results for two Airlines (Aloha and Hawaiian) are not included in the chart because we had five or less observations each due to their limited operations in the continental United States.

Policies for Accommodating Passengers Delayed Overnight. Another area covered in this Commitment provision was that each Airline would establish and implement policies for accommodating passengers delayed overnight. All but two Airlines stated in their Plans they would accommodate passengers required to stay overnight for delays and cancellations caused by the Airline's operations. Five Airlines' Plans regarding overnight accommodations were consistent with their contracts of carriage. The Plans for 7 of the 12 Airlines appear to provide

accommodations in situations not covered by the contract of carriage.¹³ As a result, it is confusing what the Airlines' policies are for accommodating passengers delayed overnight.

- Five Airlines' Plans and contracts of carriage are subject to a range of interpretations, because the wording in the Plan was different from that in the contract of carriage. For example, an Airline's Plan states accommodations will be provided for passengers inconvenienced overnight due to a delay or cancellation within the Airline's control, while the contract of carriage states accommodations will be provided if the delay or cancellation exceeds 4 hours between 10:00 p.m. and 6:00 a.m. and only if under the Airline's control. This makes it difficult for a passenger to clearly understand what the Airline's policy is for overnight accommodations. To illustrate:

A passenger is delayed at a connecting airport, due to the Airline's operations, such as mechanical problems, and instead of leaving at 6:00 p.m. the passenger will now be on a flight at 1:00 a.m. The flight will not arrive at the final destination until 5:00 a.m. local time. The passenger requests overnight accommodation at the connecting airport with a flight out early the next morning. Under the terms of the Plan, the passenger could receive overnight accommodations; however, under the contract of carriage the passenger appears ineligible to receive accommodations.

- Two Airlines' contracts of carriage are more restrictive than their Plans when it comes to accommodations for overnight delays. For example:

One Airline's Plan states it will provide reasonable overnight accommodations if the delay or cancellation was caused by an event within the Airline's control, and the passenger does not get to his or her final destination on the expected arrival day. The Airline's contract of carriage limits overnight accommodations to passengers on flights diverted to another airport.

The other states in its Plan it will provide accommodations to passengers whose flights were delayed in excess of 6 hours depending on the time of day (not defined) and provided the delay was caused by the Airline. The Airline's contract of carriage only states it provides "amenities" as required in the Code of Federal Regulations (CFR). However, the CFR does not include provisions for "amenities."

¹³ A contract of carriage is the document air carriers use to specify legal obligations to passengers. Each air carrier must provide a copy of its contract of carriage free of charge, upon request. The contract of carriage is also available for public inspection at air carriers' airport and city ticket offices.

Chronically Delayed or Canceled Flights. A frustrating experience for air travelers occurs when flights arrive late and/or are canceled month after month. According to BTS, chronically delayed and/or canceled flights are those *regularly scheduled flights* that, at least 80 percent of the time, arrived at least 15 minutes later than scheduled and/or were canceled during a *single calendar month*. Our analysis of BTS data found that travelers, last year, experienced far more of these chronically delayed and/or canceled flights than any of the prior 3 years we examined. The number of flights delayed and/or canceled at least 80 percent of the time increased from 8,348 to 40,868 (390 percent) between 1999 and 2000.

In an effort to better demonstrate the impact of chronically delayed and/or canceled flights on air travelers during 2000, we increased the amount of the arrival delay to 30 minutes or more, from the BTS standard of 15 minutes. We also applied a 40 percent threshold instead of the 80 percent used by BTS. Using BTS data, we identified all scheduled flights that, when grouped by individual flight number, were delayed and/or canceled at least 40 percent of the time during a single calendar month. Using our criteria, we identified:

- Over 240,000 scheduled flights (representing over 10,300 individual flight numbers affecting approximately 25 million passengers) that were consistently delayed and/or canceled 40 percent of the time.
- Nearly 2,300 of the 10,300 individual flight numbers were regularly delayed and/or canceled at least 40 percent of the time for periods of 3 months or more in 2000. For example, one Airline's flight with daily non-stop service between Washington, D.C., and Tampa, Florida, was delayed and/or canceled at least 40 percent of the time each month for 7 months in 2000. During July 2000, the flight was delayed and/or canceled 25 times (80 percent) of the 31 scheduled flights.
- When the arrival delay was expanded to 1 hour, we identified nearly 56,000 scheduled flights that were consistently delayed and/or canceled at least 40 percent of the time in 2000.

Currently, air carriers are required to tell a customer, if asked, the percentage of time a flight has arrived on-time. However, there is nothing in the Commitment or regulation that requires the Airline to affirmatively notify customers, without being asked, that the flight they are about to book is chronically delayed or canceled. The customer should not have to ask for this information.

Meeting Essential Needs During Long On-Aircraft Delays

The Airlines committed to make every reasonable effort to provide food, water, restroom facilities and access to medical treatment for passengers aboard an aircraft that is on the ground for an extended period of time without access to the terminal. Flights experiencing taxi-out times of 1 hour or more increased nearly 13 percent (from 40,789 to 45,993) between 1999 and 2000. Of those flights with taxi-out times of 2, 3, 4, and 5 hours or greater, the largest percentage increase occurred in the 5+ hour category, which more than doubled (from 30 to 79). A lengthy taxi-out time equates to a lengthy amount of time the passenger is on-board the aircraft, but not yet in flight.

While there are instances of long on-aircraft delays, we have not seen instances quite as severe as the 1999 Detroit incident. We found the Airlines were taking steps to avoid long on-aircraft delays or meet on-board needs. For example, Airlines have invested in air stairs for deplaning passengers when an aircraft is delayed on the ground but does not have access to a terminal gate; secured additional food and beverages for service at the departure gates or on-board flights experiencing extended delays; or made arrangements with medical consulting services to resolve medical emergencies that occurred on-board an aircraft.

Notwithstanding the progress made, there is still disparity among the Airlines in when and how they will meet customers' essential needs during long on-aircraft delays. The Airlines still have not clearly and consistently defined terms in the Commitment provision such as "food," "an extended period of time," and "emergency." There are marked differences among the Airlines on what the terms in this provision mean; however, it is unlikely that passengers' essential needs or how passengers define a long on-aircraft delay will differ significantly depending on the Airline they fly.

Ten Airlines have defined an extended period of time, but as demonstrated by the following table these definitions range from 45 minutes to 3 hours.

ATA Air Carriers	Definition of Extended Period of Time	Definition Published in Plan	Defined by Internal Procedure	Unspecified Policy
Alaska	90 minutes	✓		
Aloha				✓
American	3 hours		✓	
American Trans Air	1 hour	✓		
America West	1 hour		✓	
Continental	2 hours	✓		
Delta	45 minutes		✓	
Hawaiian	1 hour		✓	
Midwest Express	2 hours		✓	
Northwest	1 to 3 hours	✓		
Southwest				✓
Trans World				✓
United	90 minutes		✓	
US Airways				✓

In their Plans, only two Airlines state when they would return to the gate if there was an extended on-aircraft delay. In general, the Airlines have left the decision on returning to the gate up to the flight crew and air traffic control personnel. However, sometimes if the delay is due to air traffic control or weather, the delay may be a creeping delay, so it is difficult to decide when or if to return to the gate. A creeping delay is when the aircraft's estimated take-off time is provided in increments; e.g., every 20 minutes the flight crew will receive an update. The Airlines' policies are to leave the decision up to the flight crew and not the passengers. In most non-emergency cases, the flight crew will wait for a take-off slot. If an aircraft returns to the gate, it loses its place in line for take-off.

United is the only Airline to define in its Plans what is meant by food: high-energy bars. Our review of the Airlines' internal procedures found that, in general, the specific type of food and when it will be provided on a long on-aircraft delay is left up to the flight crew and catering availability at that airport. American has pre-positioned snacks at its larger airports to be used in cases of long on-aircraft delays. According to their Plans, Alaska will provide free liquor after a 1-hour delay on-board the aircraft; American Trans Air will provide beverages (non-alcoholic) after 1 hour and after 4 hours will determine the feasibility of providing food service. In their Plans, none of the Airlines define what is meant by an emergency, and only two Airlines provide clear and concise procedures on how they would accommodate their passengers during an emergency situation.

Contingency Plans. In our Interim Report, we reported that the Commitment provision does not specify in any detail the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before

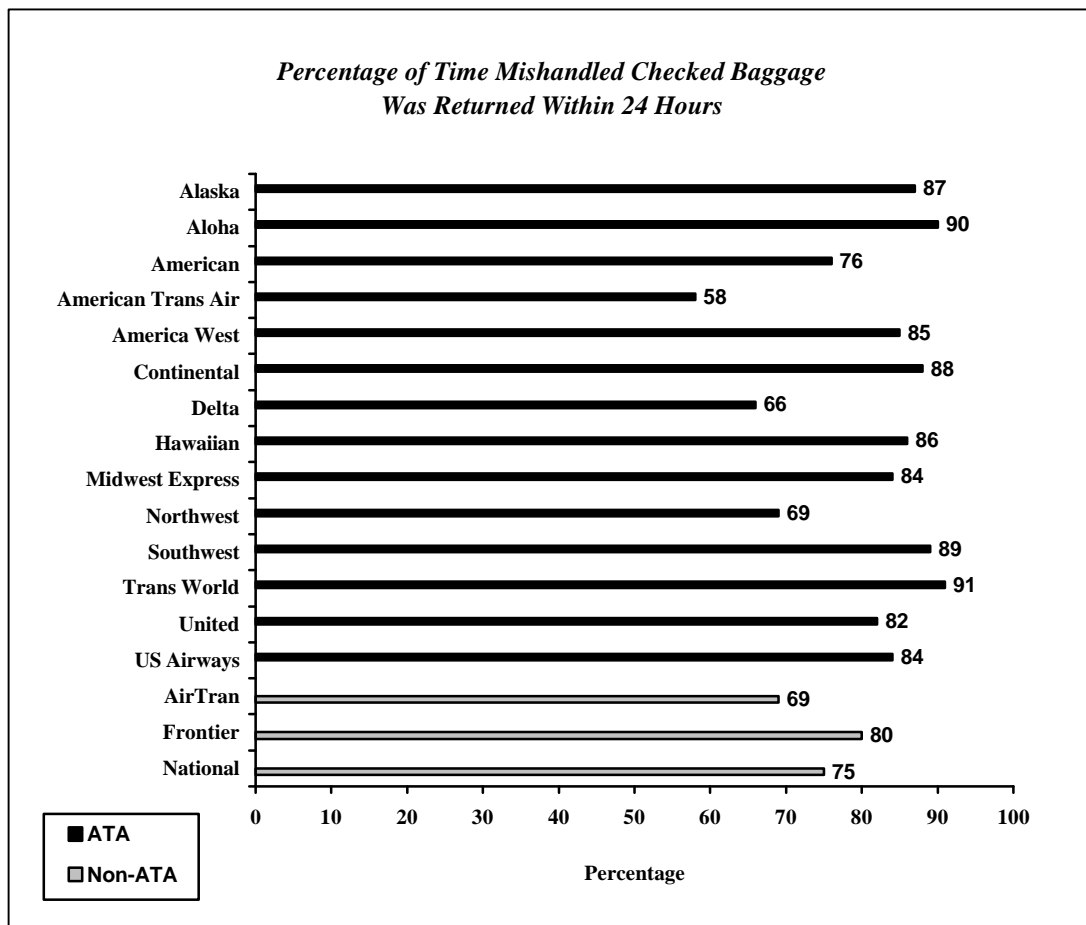
departure or after arrival. During our initial visits to the Airlines, less than half of the Airlines had comprehensive customer service contingency plans in place at all the airports served. Following our initial visits, we found the Airlines now have comprehensive customer service contingency plans in place for addressing delays due to severe weather, air traffic control equipment failures, and Airline service irregularities. These contingency plans generally include contact numbers for all airport station managers, airport authority personnel, equipment lists (air stairs, buses), and the availability of catering. However, nearly all the Airlines' contingency plans do not specify in any detail the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before departure or after arrival.

Returning Mishandled Bags Within 24 Hours

The Airlines committed to make every reasonable effort to return checked bags within 24 hours and attempt to contact any customer whose unclaimed checked baggage contains a name and address or telephone number. Although the majority of bags do show up with the passenger, it is the bags that do not arrive that customers are most concerned about. In this regard, the Airlines did not commit to a reduction in the number of checked bags not arriving with the passenger.

Some Airlines have invested in technology to help identify the location of mishandled baggage. Eight Airlines and all three non-ATA airlines have a toll-free number for the customer to call regarding their mishandled baggage. However, our test results show this is an area that all air carriers need to continue to work on, especially when there are irregular flight operations or itinerary changes. As the following chart shows, results varied greatly among the air carriers.

We found this Commitment provision could be improved by the Airlines committing to reduce the number of bags not arriving with the passenger. In addition, DOT's method for reporting mishandled bags in the Air Travel Consumer Report should be revised to more accurately reflect the number of bags that do not arrive with passengers. Currently DOT reports the number of *baggage claim reports* per 1,000 passengers on domestic flights. In 2000 DOT reported that 2.7 million baggage reports were filed, representing 5.29 reports per 1,000 enplaned passengers. In other words, according to DOT's report 99.5 percent of enplaned passengers did not file a mishandled baggage report.



This method of reporting understates the actual number and percentage of checked bags that do not arrive with passengers because (1) a baggage claim report does not necessarily equate to a single mishandled bag, and (2) not all passengers check baggage. In fact, one Airline estimates that only 33 percent of passengers check baggage. A more accurate way to report this information would be mishandled bags per 1,000 bags checked by passengers. Although this method would result in a higher percentage, it would more accurately reflect the percentage of checked bags that do not arrive with the passenger.

Commitment Provisions Not Directly Addressing Delays and Cancellations

We found some Airlines are using customer service as an area of competition. In addition to the Commitment, some Airlines have taken additional initiatives to enhance customer service by reconfiguring airplanes to increase the room between rows of seats and replacing overhead luggage compartments with larger, easier-to-use bins. Airlines receiving top ratings in DOT's Air Travel Consumer Report or other awards will include these and other customer service items in their advertisements.

In general, we found the greatest progress was being made in areas not directly associated with whether a flight was delayed or canceled. These areas cover a wide range of customer service issues from offering the lowest fare available, to holding the reservation, to disclosing policies for handling special needs and disabled passengers, to supporting an increase in the baggage liability limit. However, improvements are still needed in some areas such as providing prompt ticket refunds and handling "bumped" passengers with greater fairness and consistency. We will discuss each of the following provisions:

- Offer the lowest fare available.
- Support an increase in the baggage liability limit.
- Allow reservations to be held or canceled.
- Provide prompt ticket refunds.
- Properly accommodate disabled and special needs passengers.
- Handle "bumped" passengers with fairness and consistency.
- Disclose travel itinerary, cancellation policies, frequent flyer rules, and aircraft configuration.
- Ensure good customer service from code-share partners.
- Be more responsive to customer complaints.

Offer the Lowest Fare Available

The Airlines committed to offer the lowest fare available for which the customer was eligible on the Airline's telephone reservations system for the date, flight and class of service requested.

The Airlines did not commit to always offer the lowest fare for reservations made or tickets purchased at the Airlines' airport customer service counters or city ticket offices. However, two Airlines (American Trans Air and US Airways), in their Plans, say they will offer the lowest fare for reservations made at their city ticket

offices or airport customer service counters. Since we issued our Interim Report, Continental now offers the lowest fare for reservations made at their city ticket offices and airport customer service counters.

The Airlines also did not commit to guaranteeing the customer that the quoted fare is the lowest fare the Airline has to offer. Our Interim Report suggested that the Airlines' telephone reservations agents affirmatively disclose that the consumer may find lower fares available through other distribution systems, such as the Airlines' Internet sites. On October 20, 2000, DOT issued an order requiring that this be done, and, in general, the Airlines are in compliance.

As shown in the table below, during our review Airlines offered us the lowest fare between 88 and 100 percent of the time when we had a fixed itinerary (specific flight and date for the outbound flight and flexible as to time of day on return). The non-ATA airlines offered us the lowest fare 100 percent of the time when we had a fixed itinerary. When we had a flexible itinerary (willing to travel any day or time between a city-pair), the Airlines offered us the lowest fare between 71 and 100 percent of the time. The non-ATA airlines offered us the lowest fare between 81 and 100 percent of the time.

Percentage of Time the Lowest Fare Was Offered

Airline	Fixed Itinerary	Flexible Itinerary
ATA Airlines		
Alaska	97	88
Aloha	88	73
American	96	96
American Trans Air	99	100
America West	94	81
Continental	99	71
Delta	100	97
Hawaiian	96	92
Midwest Express	97	99
Northwest	100	99
Southwest	100	100
Trans World	100	93
United	96	88
US Airways	99	94
Non-ATA Airlines		
AirTran	100	100
Frontier	100	81
National	100	88

A flexible travel itinerary requires telephone reservations agents to do more research to find the lowest fare available, and our results indicate that this is an area that needs improvement.

Support an Increase in the Baggage Liability Limit

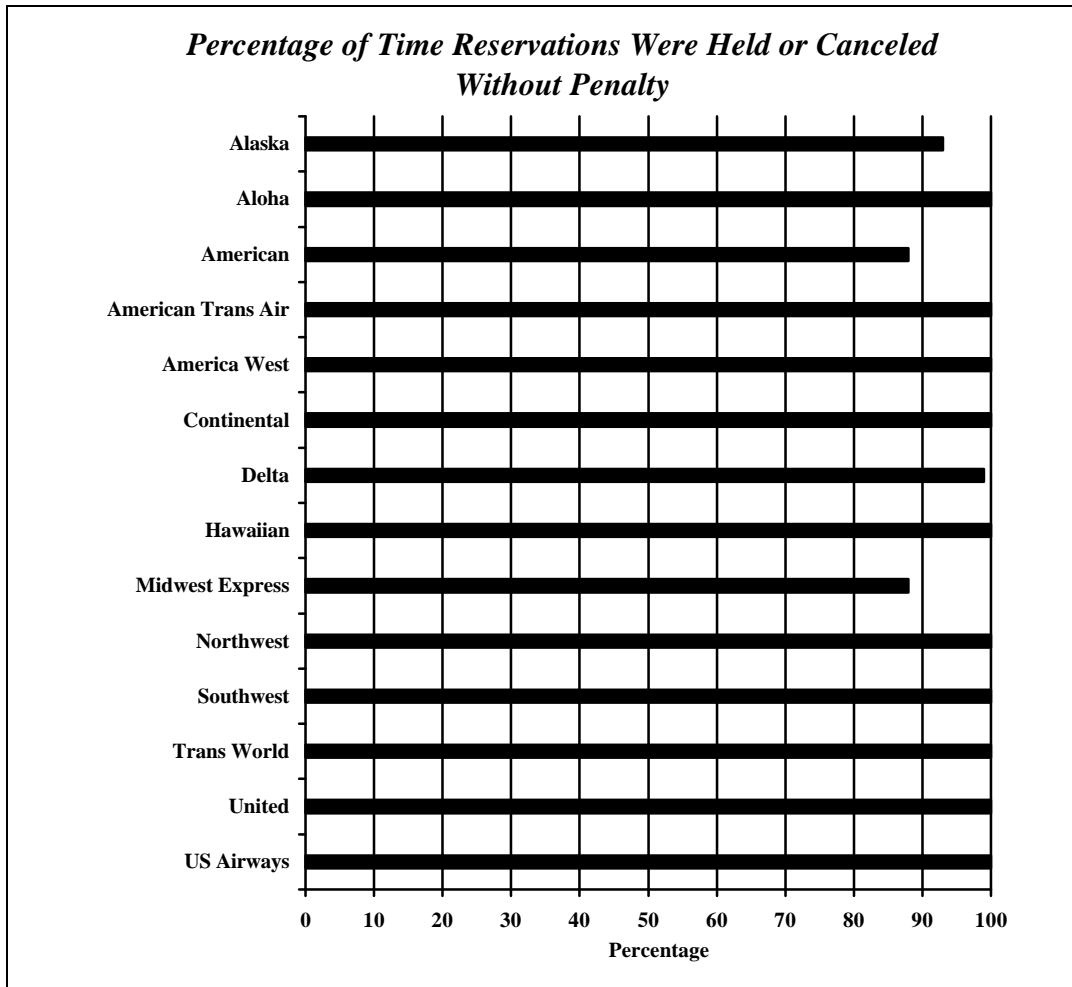
The Airlines agreed to support an increase in the baggage liability limit from \$1,250 to \$2,500. DOT increased the baggage liability limit to \$2,500 effective January 18, 2000, and we found it benefited customers whose claims for lost baggage exceed the prior limit of \$1,250. When comparing September 1999 to September 2000, we found a 14 percent increase in the number of payments in excess of \$1,250. This 14 percent increase also represents over a 500 percent increase in the dollar amount paid out by the Airlines (from \$622,440 in September 1999 to \$3,853,394 in September 2000).

Allow Reservations to Be Held or Canceled

The Airlines committed to allow the customer either to hold a telephone reservation, including the fare, without payment for 24 hours or (at the election of the Airline) to cancel a reservation without penalty for up to 24 hours. This is *a new customer service commitment* provided to Airline customers.

Eight Airlines have elected to hold a reservation at the quoted fare without payment for 24 hours. Five Airlines require the customer to pay for the ticket, but will provide a full refund without penalty if the travel is canceled within 24 hours of the reservations. One carrier allows the customer to use either method, but the passenger must make the choice when placing the reservation.

As shown in the following chart, we found 11 Airlines held the fare at or near 100 percent of the time, and 3 Airlines held the reservation, including the fare, at least 88 percent of the time. The three non-ATA airlines in our review committed to holding a reservation but not the fare for 24 hours.

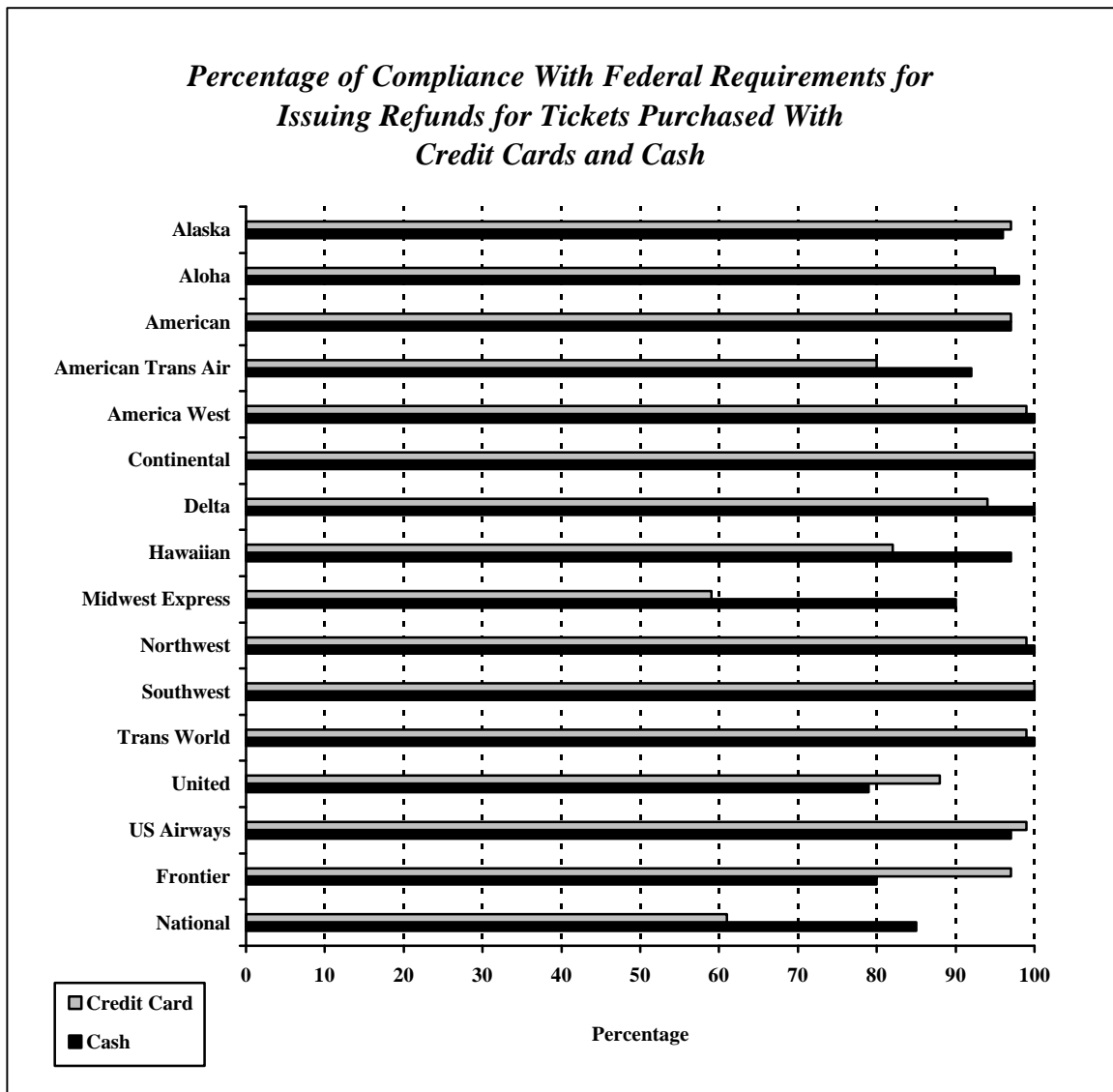


Provide Prompt Ticket Refunds

For this provision, the Airlines promised actions that have been required under pre-existing Federal regulations for over 17 years. The 7-day refund requirement for credit card purchases is imposed under a Federal banking regulation that has been in effect for over 20 years; the 20-day refund requirement for cash purchases (which includes checks) was established under a DOT consent order and has been in effect for over 17 years.

Given the length of time refund requirements have been around, we thought we would find high levels of compliance in this area. Instead, we found a wide variance in the air carriers' compliance. As shown in the following chart, 10 Airlines met the 7- and 20-day requirement 94 to 100 percent of the time. The remaining four Airlines and two non-ATA airlines need to improve in this area, since they met at least one of the requirements less than 97 percent of the time. AirTran's compliance with the Federal requirements could not be determined

because the Airline did not have a system in place that tracked the time the request for refund was received to the time the refund was issued.



Credit card refund requirements apply to all U.S. businesses accepting credit cards, not just air carriers, and have been in existence for over 20 years. Therefore, air carriers not at or near 100 percent compliance definitely need to focus their efforts in this area. Based on our test results, we referred our findings on one Airline to DOT's Assistant General Counsel for Aviation Enforcement and Proceedings to determine whether enforcement actions are warranted.

Properly Accommodate Disabled and Special Needs Passengers

The Airlines committed to *disclose* their policies and procedures for handling special needs passengers and for accommodating the disabled in an appropriate manner. Of the 12 Commitment provisions, we found the Airlines disclosed more detailed information to passengers on this provision than on any other. Although the Commitment provision only addressed disclosing an Airline's policies and procedures, we took steps to also determine if the Airlines and non-ATA airlines were properly accommodating disabled and special needs passengers.

We observed the Airlines and non-ATA airlines assisting disabled passengers at 15 airports nationwide.

- In over 380 observations, we found that the Airlines and non-ATA airlines were properly assisting disabled and special needs passengers during their time spent at the airport from checking in to boarding the plane.
- We also met with more than 60 Complaint Resolution Officers and found that each was knowledgeable on the requirements of Title 14 CFR Part 382, Nondiscrimination on the Basis of Disability in Air Travel, and their responsibilities under Part 382.
- We also reviewed training records for both Airline and non-ATA airline employees at 58 different stations and found they were providing training on how to accommodate passengers with disabilities or special needs.

We also made available through our Internet site an on-line survey for reporting incidents as to how well the U.S. air carriers are accommodating the needs of air travelers with disabilities and special needs. The comments we received covered a wide range of areas including screening checkpoints, check-in and boarding, and were fairly evenly distributed among the areas.

Passengers frequently commented that the problems they encountered resulted from a lack of proper training instead of an intentional act by the employee. For example, in one response we received, the passenger reported:

The Airline's employees insisted on disconnecting and removing the battery from the wheelchair, even though the passenger informed them it was a gel battery and did not need to be removed. The Airline's employees removed the battery assuring the passenger an Airline employee at the destination airport would re-assemble the wheelchair

upon arrival. Upon arrival at the passenger's destination, the wheelchair and disconnected battery were left on the jet bridge, and "no one could put it back together."

The complexity and perspective of disabled or special needs passengers is of paramount importance in providing satisfactory service. Congress also felt this was a serious issue and incorporated provisions in AIR-21 requiring DOT to perform individual, comprehensive investigations of each disability-related complaint received. We found that over half of the complaints DOT received from the disabled in 2000 (396 out of 676) related to an air carrier's alleged failure to provide adequate or timely assistance. It is apparent from the comments we received as well as the complaints received by DOT, that the Airlines cannot apply enough emphasis to this area. As discussed later in this report, DOT's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings does not have adequate resources to meet this and other responsibilities. One Airline (Delta) took steps to better address the needs of disabled and special needs passengers by establishing an advisory council, which included disabled individuals.

Handle "Bumped" Passengers Fairly and Consistently

The Airlines committed to disclose to a passenger, upon request, whether the flight on which the passenger is ticketed is overbooked. The number of passengers affected by oversold flights continues to rise. Involuntary denied boardings have increased over 15 percent (37,026 to 42,681) in the first 9 months of 2000 over the same period in 1999. Voluntary denied boardings have also increased over 4.5 percent for the same period, from 785,445 to 821,379.

We found four issues that need attention in this area: (1) inconsistencies in the Airlines' boarding priority rules, such as check-in deadlines; (2) ambiguities in the Federal regulation governing air carrier boarding priority rules; (3) inconsistent compensation practices for passengers who voluntarily gave up their seats; and (4) inequities in the denied boarding compensation paid to passengers involuntarily denied boarding.

Check-In Times. Passengers must meet check-in deadlines for the air carrier on which they are flying to avoid being bumped and to protect their rights to denied boarding compensation. However, this can be difficult because check-in times vary by Airline, ranging from 10 to 20 minutes for domestic flights, and from 20 minutes to 60 minutes for international flights. Passengers must determine the minimum check-in time for the air carrier they are flying. This is especially important for passengers whose flights include a code-sharing arrangement

between two Airlines (e.g., Continental and Northwest), where check-in deadlines are not the same for both Airlines.

There are also inconsistencies in the Airlines' and non-ATA airlines' contracts of carriage regarding exactly where passengers need to check-in or be present in order to avoid losing a seat assignment or a confirmed reservation. For example, in their contracts of carriage, two Airlines state the passenger must simply check-in at the airport; seven Airlines and two non-ATA airlines state the passenger must have checked in and be available for boarding; one Airline states the passenger must be aboard the aircraft; and another Airline states that the passenger must check-in with an agent at the ticket counter or gate.

Priority on Oversold Flights. Title 14 CFR Part 250.3 requires every air carrier to establish priority rules and criteria for passengers involuntarily "bumped" on oversold flights. These criteria take effect only after the air carriers have requested passengers to voluntarily relinquish their seats. Part 250.3 further states:

Such rules and criteria shall not make, give, or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust or unreasonable prejudice or disadvantage in any respect whatsoever.

However, there are ambiguities in the terms "any undue or unreasonable preference or advantage" and "unjust or unreasonable prejudice or disadvantage." DOT, in Part 250.3, provides no clear explanation on what these terms mean. We make this point because not all the Airlines have boarding priority rules based on the passengers' check-in times, which are used to determine whether passengers are entitled to denied boarding compensation.

Boarding priority rules for 11 of the 14 Airlines state that passengers will be "bumped" based on reverse order of check-in (last to check-in is first to be "bumped"). The other three Airlines have *boarding priority criteria* for "bumping" passengers based on fare paid or frequent flyer status.

Compensation Paid to Volunteers. Our review of 12 Airlines found they were equally compensating all volunteers on a flight. The other two Airlines (Continental and Delta) were not consistently compensating passengers who voluntarily gave up their seats, paying some volunteers on the same flight more than others. One Airline's Plan states: "Volunteers who give up their seats to other customers will be compensated equally on the same flight." However, on 7 of 35 sampled oversold flights we reviewed for that Airline, we found passengers who voluntarily relinquished their seats did not all receive the same amount of compensation. On one flight, four volunteers each received a \$350 travel voucher

while seven volunteers each received a \$400 travel voucher. In our opinion, Airlines that state volunteers will be compensated equally on the same flight, should do so.

Denied Boarding Compensation Paid to Passengers Involuntarily Denied Boarding. Title 14 CFR Part 250 established the method air carriers must follow for compensating passengers involuntarily denied boarding. Because of the limitations that DOT places on involuntary denied boarding compensation, most of the time passengers who get involuntarily “bumped” are compensated equal to or less than passengers who voluntarily relinquish their seats. The method for determining the compensation and the maximum amounts paid have not been changed since 1978. We reviewed 89 flights with 472 passengers who voluntarily relinquished their seats and 334 passengers who were involuntarily denied boarding. We found that on 74 (83 percent) of the 89 oversold flights, passengers who were involuntarily denied boarding received compensation amounts equal to or less than those passengers that voluntarily relinquished their seats. For example:

- On one flight five passengers who voluntarily relinquished their seats were compensated with free round-trip tickets, while a passenger on the flight who was involuntarily denied boarding received no compensation. This occurred because the Airline was able to get all six passengers (voluntary and involuntary) to their destinations within 1 hour of their original scheduled arrival time.

Airlines are required to ask for volunteers before involuntarily “bumping” passengers off an oversold flight. Airlines typically do not tell passengers that they potentially will be involuntarily “bumped” from a flight. Passengers are told of their rights and the limits on compensation *only after* they are involuntarily “bumped.” The existing compensation levels have not been adjusted since 1978 and denied boarding compensation is inadequate to redress the inconvenience and distress often resulting from being involuntarily “bumped.” The Senate also recognized that current rules should be revised. In Section 354 of Public Law 106-69, Department of Transportation and Related Agencies Appropriations Act, 2000, the sense of the U.S. Senate was:

. . . that the Secretary should expeditiously amend Title 14, Chapter II, Part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

The intent of this sense-of-the-Senate amendment was to encourage the Airlines to act more responsibly, by allowing passengers who are involuntarily bumped to receive greater amounts of compensation for the Airlines' overbooking practices. The Senate stated "The goal is to hold the airlines accountable when they put profits ahead of friendliness and respect for their customer." As long as flights are consistently full, it becomes more difficult for passengers to get on another flight.

Disclose Travel Itinerary, Cancellation Policies, Frequent Flyer Rules and Aircraft Configuration

The Airlines committed to disclose to the customer: (1) any change of aircraft on a single flight with the same flight number (referred to as "change of gauge"); (2) cancellation policies involving failures to use each flight segment coupon; (3) rules, restrictions and an annual report on frequent flyer program redemptions; and (4) upon request, information regarding aircraft configuration, including seat size and pitch.¹⁴

All the Airlines provided information on how their frequent flyer programs worked, including number of miles needed for each award and applicable black-out dates. *However, we found that the information provided on frequent flyer mileage redemptions was of little value to the consumer. Specifically, the information provided does not allow the consumer to determine which frequent flyer mileage program might provide the greatest benefit, based on the percentage of successful redemptions or frequent flyer seats made available in the Airlines' top origin and destination markets.*

We found improvements are also needed in the information provided by reservations agents regarding change of gauge flights, cancellation policies, and aircraft configuration. (At the time of our testing, only six Airlines had change of gauge flights.) We found:

- Airline telephone reservations agents properly identified our flights as change of gauge 63 percent of the time, on average. Continental and United agents disclosed this information 100 percent of the time during our test.
- Four Airlines' Internet sites also identified the flights as change of gauge 100 percent of the time, while the remaining two Airlines' Internet sites disclosed the information 67 and 80 percent of the time.

¹⁴ Seat pitch is the distance from a point on one seat to the same point on the seat in front of it and is an indication of the amount of legroom between rows of seats.

- Eleven Airlines' and two non-ATA airlines' reservations centers provided the correct information requested for cancellation policies 100 percent of the time.
- Nine Airlines and two non-ATA airlines provided information about aircraft configuration 100 percent of the time.

Ensure Good Customer Service From Code-Share Partners

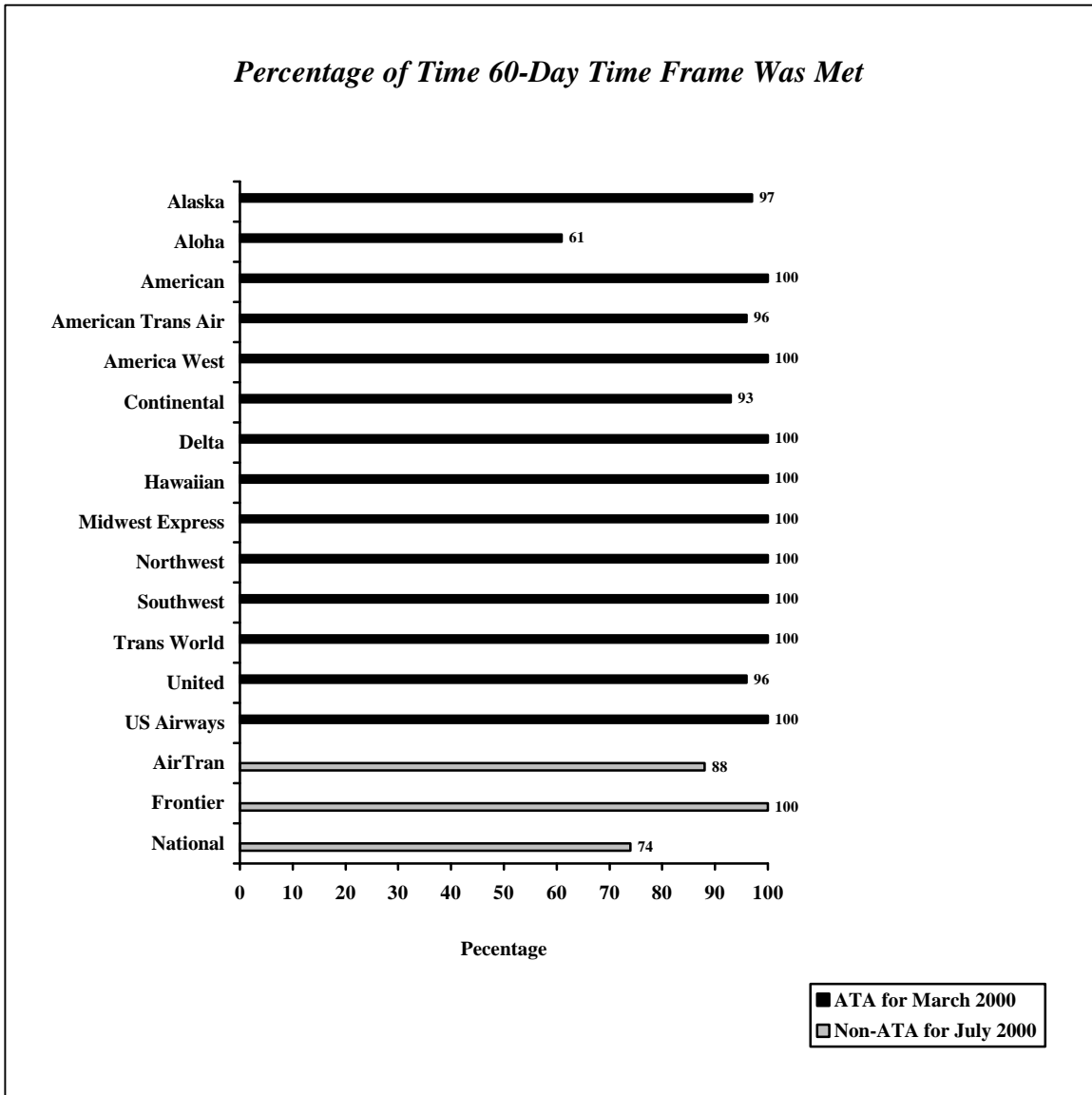
The Airlines committed to ensure that domestic code-share partners make a commitment to provide comparable consumer plans and policies. This provision basically applies only to those domestic code-share partners who provide air transportation to smaller markets for the Airlines. At the time of our review, eight of the Airlines had domestic code-share partners. None of the non-ATA airlines had domestic code-share partners. The Airlines frequently handle functions like reservations, ticketing, ticket refunds, frequent flyer programs, and complaints for their domestic code-share partners. Therefore, customers of the Airlines' code-share partners can expect the same level of customer service provided by the Airlines under these Commitment provisions.

The Airlines have initiated some type of quality assurance procedures to monitor their code-share partners' customer service. Specifically, we found that six of the eight Airlines with domestic code-share partners have developed and conducted partial or complete testing of their partner's customer service procedures. The remaining two Airlines had developed review procedures, but at the time of our audit had not conducted any tests of their domestic code-share partners.

Be More Responsive to Customer Complaints

The Airlines committed to assigning a Customer Service Representative responsible for handling passenger complaints and ensuring that all written complaints are responded to within 60 days. The Airlines have demonstrated they are taking this provision seriously. As shown in the following chart, our review found that 13 of 14 Airlines were responding to complaints within 60 days more than 90 percent of the time. Non-ATA airlines were responding to complaints within 60 days between 74 and 100 percent of the time.

The replies we reviewed were responsive to the customer complaint and not merely an acknowledgment that the complaint had been received. In addition, all the Airlines responded to complaints in less than 30 days on average. Aloha, AirTran, and National, all below 90 percent during our testing, need to improve on consistently responding to customer complaints within 60 days.



Airlines' Contracts of Carriage

In our Interim Report, we suggested that the Airlines consider backing up their promises of enhanced customer service by ensuring that their contracts of carriage fully reflect the benefits afforded by the Airlines' Commitment. We observed that while the Commitment and the Airlines' Plans convey promises of customer service, they do not necessarily translate into rights legally enforceable by the customer. For example, American currently states on its website that its Plan does not create any contractual or legal rights.

We also observed that contracts of carriage create a legally binding contract between the air carrier and its customers. Unlike DOT regulations, which are enforced by the Government and may result in administrative or civil enforcement actions against an air carrier, contracts of carriage confer upon customers, enforceable rights directly against an air carrier. Thus, when an Airline incorporates the Commitment into its contract of carriage, the Commitment becomes legally enforceable by the customer against that Airline. This is important because, as long as those rights are maintained in the contract of carriage, customers can ensure that the Airlines' compliance with their Commitment will not fade over time.

We reviewed the 14 ATA member Airlines' contracts of carriage to determine whether they had incorporated the 12 Commitment provisions into their contracts of carriage. For three of the provisions that required the Airlines to disclose their policies to customers (overnight accommodations, services for disabled and special needs passengers, and overbooked flights), we also reviewed the Airlines' Customer Service Plans to determine whether the promises made in those Plans were provided in the Airlines' contracts of carriage. At the end of our review, on January 17, 2001, we found that 3 of the 14 Airlines (Alaska, Southwest and United) incorporated the entire text of their Plans into their contracts of carriage. The remaining Airlines' contracts of carriage showed that these Airlines responded to our Interim Report suggestion to some degree. However, there were differences between Airlines in exactly what they incorporated into their contracts of carriage, and we found instances where the contract of carriage placed limits on what appeared to be a more expansive provision in the Commitment or the Airline's Plan. The following list provides examples of what we found during our review.

Provision: Offer the lowest fare available.

- Eleven Airlines have placed this provision into their contracts of carriage; however, one has included a limiting condition not found in the Airlines'

Commitment. For example, Delta's contract of carriage limits the provision by offering the lowest fare available to only *domestic* travel.

- Three Airlines have not included this provision in their contracts of carriage. For example, Continental excluded the provision based on its view that no contractual relationship exists with a customer until a ticket is actually purchased. The majority of Airlines do not share this view.

Provision: Meet customers' essential needs during long on-board delays.

- Eight Airlines have either completely or partially included this provision in their contracts of carriage; six Airlines have not included this provision.
- There is a substantial difference among the eight Airlines that did incorporate this provision as to what is considered an essential need and what constitutes a long on-board delay.

Provision: Return misrouted or delayed baggage within 24 hours.

- Twelve Airlines have placed this provision in their contracts of carriage; two Airlines have not included this provision.
- Among the 12 Airlines that incorporated this provision, 4 Airlines included a limiting condition not found in the Airlines' Commitment. For example, Aloha excludes passengers traveling on non-revenue or reduced rate tickets from this provision. Delta and Northwest contract terms are limited to domestic passengers only, and United's contract of carriage terms are limited to domestic flights only.

Provision: Hold reservations without payment or allow for cancellations within 24 hours.

- Twelve Airlines have placed this commitment in their contracts of carriage; two Airlines have not included this provision.
- Among the 12 Airlines that incorporated this provision, 2 Airlines limited it to *domestic* travel or reservations made *within the United States*.

Provision: Notify customers of known delays, cancellations and diversions.

There are two elements to this provision. First, notify customers of known delays, cancellations and diversions—11 of the 14 Airlines have included this part of the provision in their contracts of carriage. Second, establish, implement and disclose their policies for accommodating passengers delayed overnight—all 14 Airlines have disclosed their policies regarding this part of the provision in their contracts of carriage, as was required by DOT regulations prior to the Airlines' adoption of the ATA Commitment.

In their Customer Service Plans, 12 Airlines disclosed their policy for accommodating passengers overnight and 2 did not. Five of the 12 Airlines' Plans are consistent with their contracts of carriage regarding overnight accommodations. However, seven Airlines' contracts of carriage either are ambiguous or appear more restrictive than their Plans when it comes to accommodating passengers delayed overnight. For example:

- One Airline's Plan states that lodging will be provided to passengers whose flights are delayed, canceled or misconnected creating an overnight stay, except when due to weather. However, in its contract of carriage, the Airline provides accommodations only if (1) the flight on which the passenger is being transported is diverted to an unscheduled point, and the delay at such point is expected to exceed 4 hours during the hours of 10:00 p.m. to 4:00 a.m., and the delay was under the Airline's control; or (2) due to the passenger's flight arriving late, he or she missed the connecting flight, alternate transportation is not available until after 6:00 a.m. the next day, and the delay was under the Airline's control.
- One Airline's Plan provides for overnight accommodations if a delay or cancellation is caused by events within the Airline's control; however, its contract of carriage only provides for overnight accommodations in the event of a flight diversion, and is silent on flight delays or cancellations.
- One Airline's Plan provides for overnight accommodations for delays and cancellations exceeding 6 hours depending on the time of day and only if the delay was caused by the Airline. However, its contract of carriage states that it will provide "amenities" as required by the CFR. The CFR does not include provisions for "amenities."

Provision: Handle "bumped" passengers with fairness and consistency.

There are two elements to this provision.

- First, disclose to passengers, upon request, whether a flight is overbooked — 7 of the 14 Airlines have included this part of the provision in their contracts of carriage.
- Second, establish and disclose policies for managing the inability to board all passengers—all 14 Airlines have disclosed their policies in their contracts of carriage, as was required by DOT regulations prior to the Airlines' adoption of the Commitment.

Provision: Respond to written customer complaints within 60 days.

- Twelve of the 14 Airlines incorporated this commitment, while 2 Airlines did not.

Airline Performance Plans and Quality Assurance Systems

In our Interim Report, we suggested that a key to the success of the Customer Service Plans was the need for each Airline to have a credible tracking system for compliance with each provision and the implementing Airline Plan, buttressed by performance goals and measures. Six Airlines now have detailed performance plans (comprehensive quality assurance systems that are all inclusive in their coverage of the Commitment provisions with reviews conducted on an ongoing basis). Another six Airlines have a plan, but either the plan does not include all Commitment provisions, or reviews have not been conducted.

There is no question that compliance with Customer Service Plans is strengthened through the combination of outside oversight and individual Airline quality assurance systems. For example, at one Airline, compliance with its Customer Service Plan has increased since the Airline implemented its performance measurement system. After implementing a performance measurement system, this Airline improved its compliance for returning delayed or misrouted baggage within 24 hours from an internal goal of 86 percent to 91 percent.

There is also a need for a quality assurance program to include reviews of Federal reporting requirements directly related to the Commitment provisions. For example, an internal review at one Airline disclosed that mishandled baggage statistics were being intentionally understated by an Airline employee.

It is therefore important that all Airlines develop comprehensive performance plans and that reviews are conducted on an ongoing basis.

DOT's Oversight and Enforcement of Consumer Protection Issues

The Airline Deregulation Act of 1978 phased out the Federal Government's control over airfares and routes served, relying instead on competitive market forces to determine the price of domestic air service as well as where air carriers fly. In doing so, however, Congress authorized DOT to oversee and enforce air travel consumer protection requirements, some of which are covered by the Commitment and the Airlines' contracts of carriage.

As stated in our Interim Report, resources dedicated to DOT's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (the Office) are inversely proportionate to the Office's workload. As previously reported, in 1985 the Office had a staff of 40; in 1995 it was down to 20; and by 2000 it had a staff of 17 to oversee and enforce aviation consumer protection rules as well as carry out its other responsibilities. In 2001, a staffing increase of five positions was authorized. As of January 30, 2001, none of these positions had been filled.

This decline in staffing occurred at the same time workload dramatically increased. For example:

- Consumer complaints received by the Office have gone from 6,026 in calendar year (CY) 1995 to 23,381 in CY 2000.
- Disability-related complaints have gone from 230 in CY 1995 to 676 in CY 2000.
- Congressional inquiries and other public inquiries have gone from 280 in CY 1995 to over 1,350 in CY 2000.

The enactment of new laws such as AIR-21 mandated numerous additional consumer protection responsibilities to be carried out by the Office, including a new aviation civil rights provision; a provision requiring individual, comprehensive investigations of each disability-related complaint received by the Office; a provision extending the air carrier disabled passenger discrimination law (Air Carrier Access Act) to foreign air carriers; and new data collection and reporting requirements. The new workload has drawn the Office's resources away from its more traditional consumer protection activities.

Traditional consumer protection activities that have been suspended include (1) regular on-site consumer protection and related compliance/enforcement visits to airlines (14 were conducted in 1995-1996 while none were conducted in 1999-2000); (2) investigation of the availability of seats for frequent flyer awards; (3) regular proactive investigations of compliance with code-share disclosure requirements involving mass telephone calls to air carriers' reservations agents; and (4) regular reviews of print media across the country to ensure compliance with DOT rules on airline fare and on-time performance advertising.

The oversight and enforcement expectations for the Office significantly exceed the Office's capacity to handle the workload in a responsive manner.

Recommendations

The *Wendell H. Ford Aviation Investment and Reform Act for the 21st Century* (AIR-21) directed that, in addition to evaluating the effectiveness of the Airlines' Customer Service Plans, the Inspector General provide recommendations for improving accountability, enforcement, and the protection afforded commercial air passengers.

Over the past year, the Office of Inspector General made three recommendations to the Secretary of Transportation and the Federal Aviation Administration that were directed at the capacity, delay, and cancellation problems, which are key drivers of customer dissatisfaction with Airlines. These recommendations are repeated below.

- **Establish and implement a uniform system for tracking delays, cancellations, and their causes.** In the final months of the prior Administration, a Task Force appointed by the former Secretary made recommendations to accomplish this. These recommendations still need to be implemented.
- **Develop capacity benchmarks for the Nation's top 30 airports. This will provide a common framework for understanding what maximum arrival and departure rate can physically be accommodated by airport, by time of day under optimum conditions.** A set of capacity benchmarks is essential in understanding the impact of air carrier scheduling practices and what relief can realistically be provided by new technology, revised air traffic control procedures, new runways, and related airport infrastructure. FAA has committed to implementing this recommendation.
- **Develop a strategic plan for addressing capacity shortfalls in the immediate, intermediate, and long term.** These three points in time are important because the new runways or airports or air traffic control technology that may be in place 2, 5, or 10 years from now hold promise for the future, but offer limited or no bottom-line relief in the immediate term. Actions that are necessary in the short term may become unnecessary in the longer term with the addition of, for example, new runways. An immediate issue is scheduling, at peak travel times, flights beyond the established physical capacity of the airport and air traffic control system under optimum conditions. The dilemma an individual Airline faces is if it takes action and reduces flights, would competitors fill those slots, resulting in no change in the overall flight scheduling at the airport.

New Recommendations

Department of Transportation Aviation Consumer Protection. We recommend a significant increase in the resources allocated to the Department of Transportation division responsible for consumer protection and a corresponding increase in the oversight and enforcement of laws and regulations that protect air travelers. Resources allocated for consumer protection have declined significantly—all at a time when consumer complaints and flight problems have reached record highs.

Airline Customer Service Commitment. For the recommendations that follow, Congress in its consideration of Passenger Bill of Rights issues and how to effectuate change has the option of first giving the Airlines the opportunity to take action within a fixed time period to revise, modify, or add to the Customer Service Commitment voluntarily. We note that for significant regulatory proceedings in 1999, DOT took an average of 3.8 years to issue the final rule.¹⁵ The Department concurred that corrective action was needed to expedite the pace of its rulemaking and announced an action plan to do so. This action plan must still be implemented.

1. **Adoption of Airline Customer Service Commitment by all U.S. air carriers.**
2. **Make Airline Customer Service Commitment provisions enforceable under the contract of carriage or by regulation, including the provisions to offer the lowest fare for which the passenger is eligible; hold or cancel a reservation; accommodate passengers delayed overnight; and meet customers' essential needs during long, on-aircraft delays.** Three of the 14 Airlines have already taken action to incorporate all provisions of the Commitment and their Plans into their contracts of carriage. There were differences among the remaining 11 Airlines in exactly what they decided to incorporate, and we found instances where the contract of carriage placed limits on what appeared to be a more expansive provision in the Plan.
3. **Add a commitment under which the Airlines must (A) establish a quality assurance and performance measurement system; and (B) conduct an internal audit to measure compliance with the Commitment and Customer Service Plan provisions. The quality assurance system as well as the results of the internal audit will itself be subject to audit by the Federal Government.** Twelve Airlines have already established such a system that covers the Commitment in whole or in part.

¹⁵ Department of Transportation's Rulemaking Process, Report No. MH-2000-109, issued July 20, 2000

4. *Commitment Provision - Offer the lowest available fare.*

- Airlines that have not already done so, offer the lowest fare available for reservations made, not just through Airline telephone reservations systems, but for reservations made at the Airlines' city ticket offices and airport customer service counters.
- Our Interim Report suggested that Airlines notify customers that lower fares may be available through other distribution systems, such as the Airlines' Internet sites. On October 20, 2000, DOT issued an order requiring this to be done, and in general the Airlines are complying. Further recommendations on this point are not necessary.

5. *Commitment Provision - Notify customers of known delays, cancellations, and diversions.*

- Airlines establish in the Commitment and their Customer Service Plans targets for reducing the number of chronically delayed (i.e., 30 minutes or greater) and/or canceled flights. This should be a short-term measure only to avoid a repeat of spring/summer 2000 and not a way of avoiding the larger issue of expanding capacity to meet demand such as through new runways and technology.
- Airlines should also provide, through existing Internet sites, the prior month's on-time performance rate for each scheduled flight.
- Disclose to customers, at the time of booking and without being asked, the prior month's on-time performance rate for those flights that have been consistently delayed (i.e., 30 minutes or greater) and/or canceled 40 percent or more of the time. Currently, the Airlines are required to disclose on-time performance only upon request from the customer.
- The Office of Aviation Enforcement and Proceedings, in coordination with BTS, include a table in the Air Travel Consumer Report of those flights consistently delayed (i.e., 30 minutes or greater) and/or canceled 40 percent or more of the time for 3 consecutive months.
- The Airlines that have not already done so should implement a system that contacts passengers prior to arriving at the airport when a known, lengthy flight delay exists or a flight has been canceled.

- **Ensure delay information is updated in real-time on Airlines' monitors and on the airport master flight information display monitors; ensure that gate agents make timely announcements regarding the status of the delay; and ensure that the best known information about the delay, including the cause and estimated time of departure, is provided to the passengers being affected.**
 - **Clarify the customers' rights when put in an overnight situation due to delays, cancellations, or diversions by making the contracts of carriage consistent with their Plans. In doing so, we urge the Airlines not to back off accommodations they made in their Plans. The reason we surfaced this issue was that at least one Airline, in its Plan, has stated that the Plan does not create contractual or legal rights.**
6. ***Commitment Provision - On-time baggage delivery (this provision actually commits the Airlines to make every reasonable effort to deliver checked baggage within 24 hours if it does not show up when the passenger arrives).***
- **Our Interim Report suggested that the Airlines clarify that the 24-hour clock begins upon receipt of the customer's claim, and all the Airlines have done so. Further recommendations on this point are not necessary.**
 - **Strengthen the Commitment to require the Airlines to set performance goals for reducing the number of mishandled bags.**
 - **Develop and implement systems to track the amount of time elapsed from the receipt of the customer's baggage claim to time of delivery of delayed or misrouted baggage to the passenger, including the time from courier to final delivery to the passenger.**
 - **For the Airlines that have not already done so, provide a toll-free telephone number so passengers can check on the status of checked baggage that did not show up on the passenger's arrival.**
 - **Petition the DOT to calculate the rate of mishandled baggage on the basis of actual checked baggage (not on the total number of passengers), and the actual number of mishandled bags (not the number of claim reports).**

7. *Commitment Provision - Support an increase in the baggage liability limit.*

- **The Airlines agreed to increase the baggage liability limit (from \$1,250 to \$2,500 per passenger) and DOT made the increase a requirement of law. We are making no recommendations regarding this commitment.**

8. *Commitment Provision - Allow reservations to be held or canceled.*

- **Our Interim Report suggested the Airlines disclose to the consumer that they have the option of canceling a nonrefundable reservation within the 24-hour window following booking. All Airlines revised their policies to require such disclosure. We are making no further recommendations regarding this commitment.**

9. *Commitment Provision - Provide prompt ticket refunds.*

- **The rules governing prompt refunds have been in effect for over 17 years. We found no need to change the rules, but based on the levels of compliance identified in our review for some Airlines, we recommend that the Secretary of Transportation direct the Office of Aviation Enforcement and Proceedings to strengthen its oversight and take appropriate enforcement action in cases of noncompliance.**

10. *Commitment Provision - Properly accommodate disabled and special needs passengers.*

- **We would encourage the Airlines to continuously improve the services provided air travelers with disabilities and special needs, especially for those services provided at the airport beginning with the check-in process, on to the passenger security screening process (especially for those air travelers in wheelchairs), and during the boarding process. Results from our on-line survey, although not statistically projected, indicate that customer service in those three areas needs special attention.**
- **Airlines should also consider establishing advisory councils, which include disabled individuals, to help better address the needs of disabled and special needs passengers.**

11. *Commitment Provision - Meet customers' "essential needs" during "long" on-aircraft delays.*

- The Airlines should clarify in their Plans what is meant by an extended period of time and emergency, so passengers will know what they can expect during extended on-board delays, and ensure that comprehensive customer service contingency plans specify the efforts that will be made to get passengers off the aircraft when delayed for extended periods, either before departure or after arrival. There are marked differences among the Airlines about what these terms mean—it is unlikely that a passenger's "essential" needs or how they define an extended period of time will differ depending upon the particular Airline on which they are flying.

12. *Commitment Provision - Handle "bumped" passengers with fairness and consistency.*

- Petition DOT to amend its regulation to establish a uniform check-in deadline as to time and place, and require all air carriers to disclose in their contracts of carriage and ticket jackets their policies on how check-in deadlines apply to passengers making connections.
- Airlines who hold out that "volunteers who give up their seats to other customers will be compensated equally on the same flight" should ensure that all volunteers on the same flight are compensated equally.
- Petition DOT to increase the monetary compensation payable to involuntarily bumped passengers. The limit has not changed since 1978.
- Disclose orally to passengers what the Airline is obligated to pay involuntarily bumped passengers in advance of making offers to passengers to voluntarily relinquish their seats. We found many instances where the Airlines compensated passengers who voluntarily relinquished their seats with a greater amount than passengers who were involuntarily bumped.
- DOT clarify "fairness and consistency" by defining and providing examples of what it considers to be "any undue or unreasonable preference or advantage" and "unjust or unreasonable prejudice or disadvantage" in air carrier priority rules or criteria for involuntarily "bumping" passengers.

13. *Commitment Provision - Disclose travel itinerary, cancellation policies, frequent flyer rules, and aircraft configuration.*
 - **Petition DOT to require that each Airline with a frequent flyer program make available to the public a more comprehensive reporting of frequent flyer redemption information in its frequent flyer literature and annual reports, such as the percentage of successful redemptions and frequent flyer seats made available in the Airline's top origin and destination markets.** Current Airline information on frequent flyer mileage redemptions is not readily available and is very limited in the type and amount of information provided. It has limited value to the consumer for purposes of determining which frequent flyer mileage program to enroll in based on the percentage of successful redemptions and frequent flyer seats made available in the Airlines' top origin and destination markets.
14. *Commitment Provision - Ensure good customer service from code-share partners.*
 - **The Airlines that have not already done so should conduct annual internal audits of their code-share partners' compliance with the Commitment.**
15. *Commitment Provision - Be more responsive to customer complaints.*
 - **Overall, the Airlines are taking this commitment seriously and generally were responding substantively to complaints well within the required 60-day timeframe. We are making no recommendations regarding this commitment.**